

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
)
EAGLE PROPERTIES AND) Bankruptcy Case
INVESTMENTS, LLC,) No. 23-10566-KHK
) Chapter 7
Debtor.)
)

ORDER APPROVING SALE OF 3012 DUPONT AVENUE, BALTIMORE, MARYLAND

UPON CONSIDERATION of the motion (Docket No. 582) ("Motion") of H. Jason Gold, chapter 7 trustee ("Trustee"), to approve the sale of the property commonly known as 3012 Dupont Avenue, Baltimore, Maryland ("Property"); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the proposed sale is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsement of counsel set forth below that Bala Jain, LLC has consented to the sale of the Property as set forth herein, free and clear of all liens, claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to Dime & Penny, LLC (the

¹ Having the following legal description:

All that lot of ground situate in the City of Baltimore, State of Maryland and described as follows, that is to say: Beginning for the same at an iron pipe on the North side of Dupont Avenue 287.3 feet Northeast from the intersection of the North side of Dupont Avenue and the curved line of the East side of Pimlico Road which road is 33 feet wide

“Purchaser”) for \$100,000 consistent with the sales contract attached to the Motion, with the following modifications:

- a. The 2024-2025 Real Estate Taxes shall be paid by Purchaser.
- b. The Purchaser shall pay \$2,301.82 to Bala Jain, LLC at closing for payment of the 2023-2024 Real Estate Taxes.
- c. The Trustee will not convey the security deposit to Purchaser at closing. The Purchaser shall assume the security deposit liability at closing.
- d. The water escrow shall be paid by Buyer at closing.

3. The Trustee is authorized to pay the secured claim of Bala Jain, LLC at closing as set forth in the draft ALTA attached hereto as Exhibit A (“ALTA”), and the consent of Bala Jain is conditioned upon such receipt.

4. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$3,000.00 representing his commission under Section 326 of the Bankruptcy Code plus \$5,000.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

5. The Trustee is authorized to pay a four and one half percent (4.5%) commission to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

6. The Trustee is authorized to pay all outstanding real estate taxes and other

at that point running thence North 6 degrees East 120.83 feet to a cross mark on the concrete 6 inches South from the corner of a frame building and still North 6 degrees East 7.5 feet to the center of an alley 15 feet wide thence along the center of said alley with the use there of in common 83 degrees East 100 feet thence South 6 degrees West 7.5 feet to an iron rod and thence still South 6 degrees West 120.83 feet to an iron rod on the North side of Dupont Avenue thence still South 6 degrees West 25 feet to the center of said avenue thence along the center of said avenue North 83 degrees West 100 feet thence North 6 degrees East 25 feet to the place of beginning.

The improvements thereon being known as 3012 Dupont Avenue, Baltimore MD 21215.

customary closing costs consistent with the ALTA.

7. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

8. The Trustee shall turn over all rental income related to the Property to Bala Jain, LLC.

9. This Order may be recorded in the land records wherein the subject Property is located.

10. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

11. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: Sep 6 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

PREPARED BY:

Entered On Docket: Sep 9 2024

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
Tel: (202) 689-2800
Fax: (202) 689-2860
Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
E-mail: crogan@RMZLawFirm.com

BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

Dylan G. Trache, Va. Bar No. 45939
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, Suite 900
Washington, DC 20001
(202) 689-2800
Counsel to the Chapter 7 Trustee
4861-6655-0746 v.3 045429/09040 Documents DT1, 9/5/2024 1:29 PM

Exhibit A

C. Note: This form is furnished to give you a statement of the settlement if it is used. The settlement amounts shown outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower: Dime & Penny, LLC 2567 Chain Bridge Road Vienna, VA 22181	E. Name & Address of Seller: H. Jason Gold, Trustee of H. Jason Gold, Chapter 7 Trustee Not individually but solely in his capacity as the Chapter 7 Trustee in Bankruptcy In re: Eagle Properties and Investments LLC Bankruptcy Case No: 23-10566-KHK PO BOX 57359 Washington, DC 20037	F. Name & Address of Lender:
G. Property Location: 3012 Dupont Avenue Baltimore, MD 21215	H. Settlement Agent: Strategic National Title Group LLC	I. Settlement Date: 09/20/2024 Funding Date: 09/20/2024 Disbursement Date: 09/20/2024
	Place of Settlement: 6829 Elm Street Suite 200 McLean, VA 22101	

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due from Borrower			
101. Contract sales price	\$100,000.00	401. Contract sales price	\$100,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	\$6,481.31	403.	
104. Real Estate Tax refund 2023-2024	\$2,301.82	404. Real Estate Tax refund 2023-2024	\$2,301.82
105.		405.	
Adjustment for items paid by seller in advance			
106. City/Town Taxes		406. City/Town Taxes	
107. County Taxes		407. County Taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower	\$108,783.13	420. Gross Amount Due to Seller	\$102,301.82
200. Amount Paid by or in Behalf of Borrower			
201. Deposit	\$5,000.00	500. Reductions in Amount Due to Seller	
202. Principal amount of new loan(s)		501. Excess deposit (see instructions)	
203. Existing loan(s) taken subject to		502. Settlement charges to seller (line 1400)	\$14,150.00
204.		503. Existing loan(s) taken subject to	
205.		504. Payoff to Bala Jain, LLC	\$88,151.82
206.		505. Payoff of Second Mortgage	
207.		506.	
208.		507.	
209. Security Deposit - Assumed by Buyer Outside of Closing		508.	
Adjustments for items unpaid by seller			
210. City/Town Taxes		510. City/Town Taxes	
211. County Taxes		511. County Taxes	
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower	\$5,000.00	520. Total Reduction Amount Due Seller	\$102,301.82
300. Cash at Settlement from/to Borrower			
301. Gross amount due from borrower (line 120)	\$108,783.13	600. Cash at Settlement to/from Seller	
302. Less amounts paid by/for borrower (line 220)	\$5,000.00	601. Gross amount due to seller (line 420)	\$102,301.82
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	\$103,783.13	602. Less reductions in amounts due seller (line 520)	\$102,301.82
		603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper.

The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

See signature addendum

The HUD-1 settlement statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement

Settlement Agent

Date

In re:
Eagle Properties and Investments LLC
Debtor

Case No. 23-10566-KHK
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0422-9

User: TaiGlennB

Page 1 of 3

Date Rcvd: Sep 09, 2024

Form ID: pdford11

Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol

Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 11, 2024:

Recip ID	Recipient Name and Address
RE	+ Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpregion04.ax.ecf@usdoj.gov	Sep 10 2024 00:20:00	UST smg Alexandria, Office of the U. S. Trustee, 1725 Duke Street, Suite 650, Alexandria, VA 22314-3489
prof	Email/Text: stephen@realmarkets.com	Sep 10 2024 00:19:00	Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 20405 Exchange St, Suite 221, Ashburn, VA 20147

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 11, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 9, 2024 at the address(es) listed below:

Name **Email Address**

Andrew S Goldstein

on behalf of Creditor GITSIT Solutions LLC AGoldstein@mglspc.com, jcoffman@mglspc.com

Barry W. Spear

on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com

District/off: 0422-9

Date Recd: Sep 09, 2024

User: TaiGlennB

Form ID: pdford11

Page 2 of 3

Total Noticed: 3

Bradley J. Swallow

on behalf of Defendant Main Street Bank bswallow@fblaw.com

Christian K. Vogel

on behalf of Interested Party Primis Bank kvogel@vogelandcromwell.com

Christian K. Vogel

on behalf of Defendant Primis Bank f/k/a Sona Bank kvogel@vogelandcromwell.com

Christopher A. Jones

on behalf of Debtor Eagle Properties and Investments LLC cajones@whitefordlaw.com
clano@whitefordlaw.com,dchaney@whitefordlaw.com

Christopher L. Rogan

on behalf of Defendant Shail Butani crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Creditor Bala Jain LLC crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com

Corey Simpson Booker

on behalf of Creditor Atlantic Union Bank corey.booker@atlanticunionbank.com

Craig M. Palik

on behalf of Creditor Trinity Universal Insurance Company cpalik@mhlawyers.com
cpalik@yahoo.com;dmoorehead@mhlawyers.com;cpalik@ecf.inforuptcy.com;kmadden@mhlawyers.com;mnickerson@mhlawyers.com

David S. Musgrave

on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhlbun@gfrlaw.com

David S. Musgrave

on behalf of Defendant Fulton Financial Corporation dmusgrave@gfrlaw.com vhlbun@gfrlaw.com

Dylan G. Trache

on behalf of Trustee H. Jason Gold dylan.trache@nelsonmullins.com
linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com

Elizabeth Husebo

on behalf of Defendant Daniel J. Kotz ehusebo@grsm.com

Elizabeth Husebo

on behalf of Defendant First Class Title Inc. ehusebo@grsm.com

Erik W. Fox

on behalf of Creditor Vienna Oaks Office Center Condominium efox@reesbroome.com
rhurley@reesbroome.com;Acruz@reesbroome.com

Gerard R. Vetter

ustpregion04.ax.ecf@usdoj.gov

H. Jason Gold

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Hannah White Hutman

on behalf of Creditor Bank of Clarke County hhutman@hooverpenrod.com
scurtis@hooverpenrod.com;hooverpenrodplc@jubileebk.net

J. P. McGuire Boyd, Jr

on behalf of Defendant Atlantic Union Bank mboyd@williamsmullen.com

J. P. McGuire Boyd, Jr

on behalf of Creditor Atlantic Union Bank mboyd@williamsmullen.com

J. P. McGuire Boyd, Jr

on behalf of Defendant Bank of Clarke County mboyd@williamsmullen.com

Jack Frankel

on behalf of U.S. Trustee Gerard R. Vetter jack.i.frankel@usdoj.gov
USTPRegion04.ax.ecf@usdoj.gov;Robert.W.Ours@usdoj.gov

James R. Meizanis, Jr.

on behalf of Creditor LINKBANK jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com

James R. Meizanis, Jr.

on behalf of Creditor Virginia Partners Bank jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com

Jeffery T. Martin, Jr.

District/off: 0422-9

Date Rcvd: Sep 09, 2024

User: TaiGlennB

Form ID: pdford11

Page 3 of 3

Total Noticed: 3

on behalf of Debtor Eagle Properties and Investments LLC jeff@martinlawgroup.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com;jeff@martinlawgroupva.com

Jeffery T. Martin, Jr.

on behalf of Plaintiff Eagle Properties and Investments LLC jeff@martinlawgroup.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com;jeff@martinlawgroupva.com

Jeffery T. Martin, Jr.

on behalf of Counter-Defendant Eagle Properties and Investments LLC jeff@martinlawgroup.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com;jeff@martinlawgroupva.com

Jeremy B. Root

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tjones@bklawva.com;mnoble@bklawva.com;wcasterlinejr@bklawva.com;jmeizanis@bklawva.com

John E Reid

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John Tucker Farnum

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jfarnumecfnotices@gmail.com;dbernard@milesstockbridge.com

Joshua David Stiff

on behalf of Debtor Eagle Properties and Investments LLC jstiff@wtplaw.com eslate@wtplaw.com;dchaney@whitefordlaw.com

Justin Fasano

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jfasanoecf@gmail.com;jfasano@ecf.courtdrive.com;sshin@mhlawyers.com;dmoorehead@mhlawyers.com

Lee S Raphael

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Maurice Belmont VerStandig

on behalf of Professional Maurice VerStandig mac@mbvesq.com
lisa@mbvesq.com;verstandig.mauricer104982@notify.bestcase.com;verstandiglaw@recap.email

Nancy Greene

on behalf of Debtor Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Plaintiff Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Professional N D Greene PC ndg@ndglaw.com

Richard E. Hagerty

on behalf of Defendant Navy Federal Financial Group LLC richard.hagerty@troutmansanders.com,
sharron.fay@troutmansanders.com;natalya.diamond@troutman.com

Robert Hockenbury

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Robert M. Marino

on behalf of Defendant Shail Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Defendant Ishwer Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Creditor Bala Jain LLC rmmarino@rpb-law.com rmmarino1@aol.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel J. Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant First Class Title Inc. sbortnick@grsm.com

Stephen W. Nichols

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TOTAL: 49